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# Reaching out beyond Brussels?

## The impact of European online consultations on the coordination within multi-level civil society organisations

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By Hendrik Nahr

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## About the author

Hendrik Nahr, born in 1992, graduated from the College of Europe in 2018 (Veil Promotion). After finishing high school with a German and a French diploma, he spent a year in the political sphere working for the Konrad-Adenauer-Foundation. Later, Hendrik studied Social Sciences (BA) at Heinrich-Heine-University in Düsseldorf and at the University of Franche-Comté in Besançon. Following that, he graduated in European Studies (MA) at Maastricht University and in European Political and Governance Studies (MA) in Bruges. His research focuses on European democracy and EU legitimacy as well as civil society involvement in public policy making processes. During his studies, Hendrik was involved in different associations and societies such as the Erasmus Student Network, the Maastricht Refugee Project, Pulse of Europe and Transparency International. He also worked in the sphere of civil education for different organisations within and outside the EU.

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## **Abstract**

Since participatory democracy is a main pillar of legitimacy for the European Union, the European Commission has undertaken numerous actions in order to install respective tools. One example is public online consultations, providing the possibility to civil society and citizens to articulate their opinion on a specific matter. Scholarly attention highlights multi-level governance and dynamics within civil society organisations that are active in Brussels, as well as on the domestic level. However, this literature is still inconclusive since the effect of online consultations on the dynamics within multi-level CSOs has not been researched yet. This study closes this gap by applying qualitative research methods to assess the activation potential of online consultations. In measuring the participation of domestic organisations and conducting interviews with civil society representatives and European Commission officials, it was found that the general activation of domestic organisations is considerably low. Only in the case of one umbrella organisation undertaking extensive mobilisation measures were domestic members found to be activated (to a limited degree). Moreover, a wide-spread focus on EU-level contributions by Commission officials also could impact the low level of domestic activation.

“Closer to the citizens” –<sup>1</sup> this maxim has been pursued by the European Union (EU) over the last decades. Concerns about input-legitimacy have become progressively relevant to the European institutions.<sup>2</sup> With the publication of the white book on governance in 2001, the European Commission (EC) laid out its strategy<sup>3</sup> in which civil society organisations (CSOs) were increasingly integrated in the policy making process as interlocutors. However, professionalised interest representations were mainly consulted, rather than individual citizens.<sup>4</sup> These organisations deliver required expertise and get access to the decision-making processes in return.<sup>5</sup> Those CSOs are not only purely European but mainly constituted by domestic member organisations. Since most of the exchanges between institutions and interest groups happen in physical meetings in Brussels,<sup>6</sup> organisations that are actively participating in the consultation processes are mainly European umbrella organisations rather than their domestic members.<sup>7</sup>

Consequently, the question about how citizens can participate more actively in the European decision-making process has led to new practices by the EC. Digital tools were established to provide more opportunities to engage at the European level, with public online consultations introduced in 2000.<sup>8</sup> Ever since, private individuals as well as organisations are invited to articulate their opinions on specific policies. Thus, online consultations provide a unique tool for domestic CSOs to be active at the European level. Once a consultation is closed,

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<sup>1</sup> European Commission, *Evaluation of the 2013 European year of Citizens*, Brussels, 25 July 2014.

<sup>2</sup> V. Schmidt, ‘Democracy and Legitimacy in the European Union Revisited: Input, Output and ‘Throughput’’, *Political Studies*, vol. 61, no. 1, 2013, pp. 2-22.

<sup>3</sup> European Commission, *European Governance: A White Paper*, COM (2001), 428 final, 25 July 2001.

<sup>4</sup> C. Quittkat & B. Finke, ‘The EU Commission consultation regime’, in: B. Kohler-Koch, D. de Bièvre & W. Maloney (eds.), *Opening EU-governance to civil society: gains and challenges* Mannheim, CONNEX Report Series, 2008, pp. 183-222.

<sup>5</sup> European Commission, *Communication from the Commission on the Collection and Use of Expertise by the Commission: Principles and Guidelines*, COM (2002) 713 final, 11 December 2002. 11 December 2002.

<sup>6</sup> Quittkat & Finke, *loc. cit.*

<sup>7</sup> ‘Commission meetings’, *Integrity Watch*, retrieved 04 April 2018, <http://www.integritywatch.eu/ec.html>.

<sup>8</sup> C. Quittkat, ‘The European Commission’s Online Consultations: A Success Story?’, *Journal of Common Market Studies*, vol. 44, no. 3, 2011, p. 654.



the EC then analyses the contributions that should be reflected in the policy draft. It is important to stress here that applied methods for analysing surveys can impact the actual outcome: depending on the evaluation methodology, different conclusions can be drawn from a consultation. The results are summarised in synopsis reports that are published publicly.<sup>9</sup>

Considering (1) the growing role of CSOs in European governance, (2) multi-level structures of CSOs, (3) online consultations as a tool to make their voices heard that is accessible regardless of physical presence and (4) the use of the EC of the given information, this paper investigates the following question: *to what extent do online consultations by the EC impact coordination processes within multi-level CSOs?*

Cutting-edge researching this specific field, new insights on how multi-level CSOs function internally are gained. At the same time, this study also investigates the impact of institutional behaviour on non-state actors. This topic not only should be researched due to the gap in the academic literature, it is also relevant to the broader public since participative democracy is considered as a substitution or an alternative to representative democracy,<sup>10</sup> even by the European treaties.<sup>11</sup> Thus, this research provides a new perspective on stakeholder involvement in the EU on multiple level: to what extent do they coordinate their actions with their member organisations when participating in online consultation? Do initiatives by the EC activate domestic participation? This study aims not only to contribute to research about the effectiveness of such reforming processes, but also general transformational power of the EC on organisational structures. To do so, relevant academic findings are discussed firstly, before building up the analytical framework of this investigation and defining three leading hypotheses. The case selection and the data collection are discussed prior to the analysis which

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<sup>9</sup> European Commission, *Better Regulation Guidelines*, SWD (2017) 350, 7 July 2017.

<sup>10</sup> J. Greenwood, 'Organised Civil Society and Democratic Legitimacy in the EU', *British Journal of Political Science*, vol. 37, no. 2, 2007, p. 333.

<sup>11</sup> Consolidated version of the Treaty on the European Union, Official Journal of the European Union, C 326/13.

aims to test such assumptions and to answer the research question. Findings are put into perspective by the discussion and summaries by the conclusion.

## **1. CSOs and Consultations in Academia**

As an initial step, scholarly contributions that investigate possible strategies of CSOs to impact public policies are presented in the following section. Here, the distinction between “access and voice”<sup>12</sup> is crucial. On the one hand, “access strategies basically concern the venues where political bargaining takes place”.<sup>13</sup> On the other hand, “voice strategies relate to activities taking place in various public spheres”.<sup>14</sup> These categories reinforce the need to investigate online consultations: in providing a tool to directly address policy makers, they can be seen as an access instrument. However, since the results are published afterwards, it is also possible to be a tool for voice strategies.

Secondly, findings on coordination amongst multi-level CSOs are discussed. In rejecting the deliberative approach and putting forward the idea of “discursive democracy”,<sup>15</sup> Crespy confirms the crucial role of European actors when coordinating domestic campaigns.<sup>16</sup> Besides, the question of the communication-direction is crucial to raise in this context. Kohler-Koch finds that “direct communication down to the grassroots level is ... marginal”,<sup>17</sup> which makes it more likely that bottom-up processes prevail: since domestic CSOs are members of another organisation, uploading processes appear to be more logical. Trenz uses the concept of a “discourse relationship”<sup>18</sup> to describe such communication members and umbrella CSOs.

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<sup>12</sup> J. Beyers, ‘Voice and Access’, *European Union Politics*, vol. 5, no. 2, 2004, p. 211.

<sup>13</sup> *Ibid.*, p. 213.

<sup>14</sup> *Ibid.*

<sup>15</sup> A. Crespy, ‘Deliberative Democracy and the Legitimacy of the European Union: A Reappraisal of Conflict’, *Political Studies*, vol. 62, no. S1, 2014, pp. 81.

<sup>16</sup> *Ibid.*, pp. 81-98.

<sup>17</sup> B. Kohler-Koch, ‘Civil society and EU democracy: ‘astroturf’ representation?’, *Journal of European Public Policy*, vol. 17, no. 1, 2010, p. 112.

<sup>18</sup> H. Trenz, ‘European civil society: Between participation, representation and discourse’, *Policy and Society*, vol. 28, p. 40.

While the abovementioned research indicates close management between CSOs, a number of studies indicate a certain degree of independence between domestic members and European umbrella organisations. They find that domestic CSOs act on the EU-level without taking the European organisation into consideration: here, the “relevance of territorial interests in EU policy-making”<sup>19</sup> is crucial. In line with that, Beyers and Kerremans indicate that some domestic organisations develop their own strategies in the multilevel system to access EU governance.<sup>20</sup> Moreover, it is found by Constantelos that “regional actors believe that their interests are not adequately represented by their peak associations”.<sup>21</sup> Focusing on national CSOs in European organisations, Sanchez Salgado states that “even if national and local CSOs are not active participants in EU discussions, they may still be Europeanized”.<sup>22</sup> Thus, possible difficulties of constituencies when being represented by European CSOs are found by academia on the one hand. On the other hand, umbrella CSOs take initiatives without referring extensively to their constituencies.<sup>23</sup> As a consequence, the delegation to an umbrella organisation remains the main (and mostly only) action of domestic organisations at the European level.<sup>24</sup> Besides, Dür and Mateo,<sup>25</sup> as well as Klüver,<sup>26</sup> also show that domestic representation is much more important than action on the EU level. Further, other studies also stress the importance of the

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<sup>19</sup> R. Eising *et al.*, ‘Who says what to whom? Alignments and arguments in EU policy-making’, *West European Politics*, vol. 40, no. 5, 2017, p. 962.

<sup>20</sup> J. Beyers & B. Kerremans, ‘Domestic Embeddedness and the Dynamics of Multilevel Venue Shopping in Four EU Member States’, *Governance*, vol. 25, no. 2, 2012, pp. 263-290.

<sup>21</sup> J. Constantelos, ‘Interest group strategies in multi-level Europe’, *Journal of Public Affairs*, vol. 7, 2007, pp. 39-53.

<sup>22</sup> R. Sanchez Salgado, *Europeanizing Civil Society*, New York, Palgrave Macmillan, 2014, p. 61.

<sup>23</sup> C. Ruzza ‘Changes in the Field of EU Civil Society Organisations: Institutionalisation, Differentiation and Challengers’, in H. Johansson & S. Kalm (eds.), *EU civil society: patterns of cooperation, competition and conflict*, New York, Palgrave Macmillan, 2015, pp. 23-42.

<sup>24</sup> Eising, *et al.*, *op. cit.*, p. 958.

<sup>25</sup> A. Dür, & G. Mateo, *Insiders versus Outsiders. Interest Group Politics in Multilevel Europe*. Oxford, Oxford University Press, 2016.

<sup>26</sup> H. Klüver ‘Lobbying as a Collective Enterprise: Winners and Losers of Policy Formulation in the European Union’, *Journal of European Public Policy*, vol. 20, no. 1, 2013, pp. 59-76.

‘national route’ for domestic organisations.<sup>27</sup> Thus, the Europeanisation of domestic CSOs appears to be limited.

Finally, scholarly studies on online consultations must be examined. Quittkat showed that the EC actually manages to reach out to a broader public with online consultations.<sup>28</sup> However, her study is a general assessment of this tool and does not focus on some consultations in depth. Such research is provided by Persson, who found that national organisations to be more salient than transnational participants.<sup>29</sup>

To sum up, online consultations appear to strengthen both access and voice strategies. On top of that, shared strategies are identified as well as a certain degree of autonomy by domestic organisations on the EU level. Other scholars find European CSOs to be superior towards their constituencies. Those findings deliver a promising starting point for this research and help to derive hypotheses on possible effects of online consultations on multi-level CSO coordination. Moreover, they not only reveal a gap in the literature on how consultations impact multi-level CSO coordination, they also show diverse findings on similar matters in the scholarly debate. Building on that, this study not only contributes to a new understanding on how online consultations impact the coordination of multi-level CSOs, it also helps to re-evaluate the questions of dependence and autonomy between the domestic and the European civil society level.

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<sup>27</sup> D. Marshall & P. Bernhagen, ‘Government–business relations in multilevel systems: the effect of conflict perception on venue choice’, *West European Politics*, 2017, vol. 40, no. 5, pp. 981-1003.

<sup>28</sup> C. Quittkat, *loc. cit.*

<sup>29</sup> T. Persson, ‘Democratizing European Chemicals Policy: Do Consultations Favour Civil Society Participation?’, *Journal of Civil Society*, vol. 3, no. 3, 2007, pp. 223-238.

## 2. Framework for the Analysis

When researching the impact of online consultations on the dynamics within multi-level civil society organisations, it is necessary to define the term *civil society* first. In academia, the question of how to define civil society is controversially debated.<sup>30</sup> Besides the distinction between “active citizenship” and “organised civil society”,<sup>31</sup> the main question here is whether those organisations that advocate for economic goals can be seen as civil society. Since this paper investigates the impact of online consultations by the EC on CSOs, it adopts the EC’s definition that includes “trade unions and employers’ organisations, ... nongovernmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities”.<sup>32</sup>

Dealing with processes between European and national organizations in the sphere of public policy making in the EU, this study applies the concept of multi-level governance. According to Schmitter, numerous factors are responsible for the political processes that happen at the European level.<sup>33</sup> Besides “a single focus of clearly defined supreme authority” and “an established and relatively centralized hierarchy of public offices”, Schmitter also considers “a predefined and distinctive public sphere of competency within which it can make decisions binding to all”<sup>34</sup> as factors that strengthen the need for new explanatory patterns. Based on that, a ‘governance’-approach is developed to describe the post-Maastricht type of decision making process which is constituted of diversified institutional procedures. Referring to the involvement of non-state actors in policy making, Schmidt describes such processes as

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<sup>30</sup> B. Finke, ‘Civil society participation in EU governance’, *Living Reviews in European Governance*, vol. 2., no. 2, 2007, p. 1.

<sup>31</sup> B. Kohler Koch, ‘Post-Maastricht Civil Society and Participatory Democracy’, *European Integration*, vol. 34, no. 7, 2012, p. 813.

<sup>32</sup> European Commission, *European Governance: A White Paper*, op. cit., p.13.

<sup>33</sup> P. C. Schmitter, ‘Imagining the Future of the Euro-Polity with the Help of New Concepts’, in G. Marks *et al.* (eds.), *Governance in the European Union*, London, SAGE, 1996, p. 137.

<sup>34</sup> *Ibid.*

government *with* the people.<sup>35</sup> Consequently, political authority and accountability cannot be granted to one single institution but is shared amongst a multitude of public and private organizations and actors. This approach must be distinguished from the so called ‘grand theories’. Such theories aim to explain integration but do not deliver tools to investigate the processes within the polity which is the outcome of regional integration.

Referring to the concept of governance, Hooghe and Marks discuss the “limits on individual national government control”<sup>36</sup> as well as the “limits on collective national government control”.<sup>37</sup> As a consequence of such limits, governance is needed in order to describe and understand decision making at the European level: not only the European, nor exclusively the national or regional level must be subject to investigation. Instead, all levels must be taken into consideration – thus, a ‘multi-level’ approach is needed. Hence, ‘multi-level governance’ also takes into account the actions of actors that are not only active on the EU level, but also on lower administrative entities.<sup>38</sup> Since “European politics are constructed by actors of different origins who share the same objectives on a given topic”,<sup>39</sup> different dimensions of such multi-level governance can be identified. One finds a horizontal dimension (interactions of different actors on an equal level), as well as a vertical dimension (interactions of equal actors on a different level)<sup>40</sup> and even a diagonal one (interactions of different actors on a different level).

Building upon the concept of multi-level governance, the research of the impact of a central participation tool on the dynamics of organisations that act on different level becomes even more relevant. However, not only the concept multi-level governance is crucial to this

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<sup>35</sup> V. Schmidt, *Democracy and Legitimacy in the European Union Revisited*, loc. cit.

<sup>36</sup> L. Hooghe & G. Marks, *Multi-Level Governance and European Integration*, Lanham, Rowman & Littlefield Publishers, 2001, p. 4.

<sup>37</sup> *Ibid.*, p. 6.

<sup>38</sup> S. Saurugger, *Theoretical Approaches to European Integration*, Basingstoke, Palgrave Macmillan, 2014, p. 110.

<sup>39</sup> Saurugger, *op. cit.* p. 111.

<sup>40</sup> I. Bache & M. Flinders, ‘Themes and Issues in Multi-level Governance’, in I. Bache & M. Flinders (eds.), *Multi-level Governance*, Oxford, University Press, 2004, p. 3.

paper. Indeed, another concept must be added to the discussion: Europeanisation. It does not serve as a counter-approach to multi-level governance, but rather as a complementary theoretical concept. This study definition that considers Europeanisation as “domestic adaptation to European regional integration”.<sup>41</sup> On the one hand, domestic policies Europeanise due to change triggered by adaptation of EU-legislation. On the other hand, the process of Europeanisation also impacts politics and polities. More relevant to this research, however, is the Europeanisation of interest groups.<sup>42</sup> As it was already discussed, academia provides controversial findings on such matter. A higher level of activation on the domestic level<sup>43</sup> was found as well as a limited degree of adaptation by national actors.<sup>44</sup> Besides, the direction of interaction is important to consider. It is possible to assume that domestic change occurs due to initiatives by European actors (top-down). However, “there is nothing necessarily ‘top-down’ about focusing on domestic adaptation to European integration”.<sup>45</sup> Thus, one must also consider whether a certain degree of ‘emancipation’ by domestic actors are the consequence of European integration (bottom-up).

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<sup>41</sup> M. Vink & P. Graziano, ‘Introduction’, in M. Vink & P. Graziano (eds.), *Europeanization*, New York, Palgrave Macmillan, 2007, p.7.

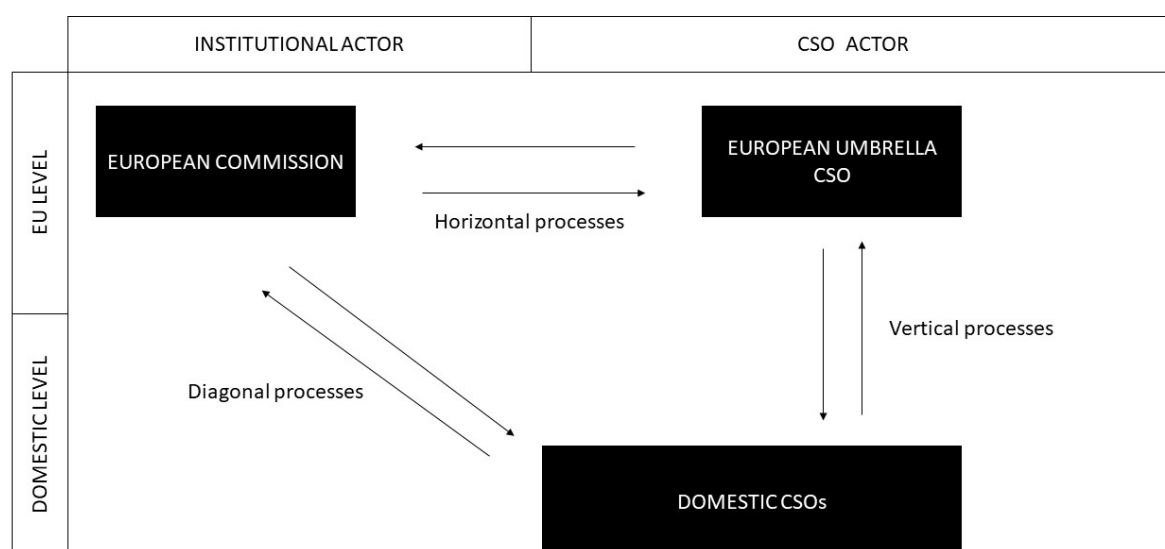
<sup>42</sup> R. Eising, ‘Interest Groups and Social Movements’, in M. Vink & P. Graziano (eds.), *Europeanization*, New York, Palgrave Macmillan, 2007, pp. 167-181.

<sup>43</sup> Sanchez Salgado, *Europeanizing Civil Society*, *op. cit.*, p. 61.

<sup>44</sup> Eising *et al.*, *op. cit.*, p. 958.

<sup>45</sup> Vink & Graziano, *loc. cit.*

Figure 1 Top-down and bottom-up processes in multi-level governance setting



After discussing the theoretical framework of this study and the main concepts, it is now crucial to determine the main variables and to formulate hypotheses for the analysis. Firstly, studies relevant to this research indicated that the EC indeed manages to reach a broad public.<sup>46</sup> Quittkat also confirms that, at least partly, a number of actors that were not activated before are mobilised by online consultations.<sup>47</sup> Besides, referring to access and voice strategies, online consultations do not only provide the opportunity to access policy makers in Brussels, they are also a tool to get their opinion published by the EC. Thus, a number of factors indicate a significant activation potential of online consultations. In short, one can expect domestic CSOs to Europeanise due to online consultations. Consequently, the first hypothesis of this study is the following: *(H1) activation-hypothesis: online consultations by the European Commission lead to an activation of domestic CSOs at the European level.*

Secondly, the goal of this study is not only to assess the level of participation but also the coordination within CSOs. Hence, one has to question why activation or non-activation of

<sup>46</sup> Quittkat, *op. cit.*, pp. 653-674.

<sup>47</sup> *Ibid.*



domestic CSOs occurs. Again, the existing literature discussed previously helps to set up corresponding assumptions. Controversial findings, however, constitute a challenge to identify possible outcomes of such investigation. In line with some studies, activation of domestic organisations, is unlikely to originate from a proactive engagement of domestic CSOs. It is reasonable to expect that the European umbrella organisations play an essential role when it comes to the activation of their members. Here, the vertical element of multi-level governance and the direction of communication are key. The crucial question is whether one finds a bottom-up or a top-down activation within multi-level CSOs. Following the strong role of umbrella organisations, top-down processes appear to be more relevant in this case: European actors provide information for domestic organisations in order to impact European policies. *(H2) top-down hypothesis: centrally organised mobilization strategies by European umbrella organisations lead to activation of domestic members.*

In contrast, some scholars emphasise the disadvantages of shifting too many responsibilities on the transnational level.<sup>48</sup> Such studies indicate a higher possibility of domestic actors being active in European online consultations. Further, a high number of domestic CSOs were found to take part in expert groups,<sup>49</sup> while others emphasise European strategies of domestic CSOs.<sup>50</sup> Building on that, it appears logical that domestic organisations could actually be considerably independent from their umbrella organisations. Their mobilisation is possibly triggered directly by the EC. However, this can only be successful if the responsible officials in the EC take domestic interests into account and do not exclusively rely on contributions by European organisations. If domestic organisations indeed take part in online consultations independently from their umbrella CSOs, bottom-up processes must be

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<sup>48</sup> Greenwood, *Interest Representation in the European Union*, London, Palgrave, 2017, 4th edn., p. 24.

<sup>49</sup> Persson, *loc. cit.*

<sup>50</sup> Beyers & Kerremans, *loc. cit.*

seen as prevailing. (H3) *bottom-up hypothesis: the possibility of accessing the EC independently from European umbrella organisations leads to activation of domestic members.*

On this point it is crucial to discuss that the *top-down hypothesis* (H2) and the *bottom-up hypothesis* (H3) are not mutually exclusive. Building on the existing literature, both outcomes are likely to occur. Finding the European CSOs actively mobilizing their member organisation does not exclude the latter from becoming active independently. Further, the confirmation of the *activation hypothesis* (H1) is not a pre-condition for testing H2 and H3. Even if empirical data proves the mobilisation of domestic organisations to be low, the other two hypotheses still provide a useful tool to research the reason for such phenomenon. Thus, despite finding all three hypotheses interlinked, they do not build up on each other and must be tested independently.

In order to test these hypotheses, it is necessary to define which indicators are used to verify or falsify them. This step is crucial, since they provides the ultimate criteria to answer the research question. Consequently, for each hypothesis, a scenario must be drawn that indicates confirmation or rejection. When assessing the degree of activation (H1) of domestic CSOs, the participation in online consultations must be analysed. Without taken into account the content of such consultation, only the information about a CSO taking part or not is relevant here.

To test H2, one has to question to what extent central action is taken by European CSOs in order to mobilize their members. On top of that, the degree of member organisations being involved in the formulation of the contribution by the European CSOs must also be researched. Such processes have to be assessed to understand the dynamics within CSOs that could eventually lead to mobilisation. Here, in-depth interviews with relevant actors are the only empirical tool that provide the possibility to investigate the informal structures of European multi-level governance. Regarding H3 and the independent impact of domestic organisations, it is insufficient to exclusively consider the CSO side. The EC's behaviour is key when

impacting the dynamics within the CSOs. The central question must be: to what extent does the EC indeed provides the possibility for individual domestic CSOs to access European policy makers directly? In turn, that leads to posing the question of whether the EC puts more emphasis on European contributions, compared to domestic ones. Similar to the previous source of data, only in-depth interviews with EC officials can provide sufficient insights to test this hypothesis.

### **3. Cases and Data**

To carry out this research, it is necessary to focus on a limited number of cases. Firstly, it is important to define the European CSOs that are investigated. For this purpose, a framework that is also used by Quittkat<sup>51</sup> is applied. She finds three main groups of organisations: business interests, trade unions and NGOs. Consequently, this study investigates the most influential CSOs in these fields, measured by data from ‘integritywatch.eu’.<sup>52</sup> Accordingly, ‘BusinessEurope’ represents the business interests, while the ‘European Trade Union Confederation’ (ETUC) stands for the European trade unions. Regarding NGOs, the picture is more complex. Since the term ‘NGO’ unites a great number of diverse interests,<sup>53</sup> two organisations are chosen in this case: the ‘Bureau Européen des Unions de Consommateurs’ (BEUC) and ‘Transport&Environment’ (T&E).

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<sup>51</sup> C. Quittkat ‘Consultation in daily practice’, in B. Kohler-Koch & C. Quittkat (eds.), *De-Mystification of Participatory Democracy: EU-Governance and Civil Society*, Oxford, Oxford University Press, 2013, p. 78.

<sup>52</sup> ‘Homepage’, *Integrity Watch*, retrieved 04 April 2018, <http://www.integritywatch.eu/>.

<sup>53</sup> Kohler Koch, *Post-Maastricht Civil Society and Participatory Democracy*, *op. cit.*, pp. 809-824.

*Table 1 Overview about cases (CSOs)*

<b>Field</b>	<b>Name</b>	<b>Members</b>	<b>Member Countries</b>	<b>Staff</b>
Business	Business Europe	39	35	50
Trade Union	ETUC	89	39	59
Consumer	BEUC	43	31	45
Environment	T&E	44	26	44

It is also necessary define the consultations that this research focuses on. Broscheid and Coen argue that the EC requires a broader consultation for “fairly non-technical”<sup>54</sup> policies, whereas “for policies that are highly technical and of low salience”,<sup>55</sup> less participation but more relevant individual contributions can be expected. Consequently, this study focuses on one broader topic for all CSOs, and on one specific consultation for each European CSO. The online consultation on the introduction of a transparency register serves as a case for a general assessment of all CSOs, hence as a ‘non-technical’ case. Since it is impossible to identify technical consultations that cover all CSOs in question, one specific consultation is investigated for every European CSO. The choice of cases is based on the policy fields, following the consultation register.<sup>56</sup> The chosen categories are: ‘Business industry’, ‘Employment and social affairs’, ‘Consumer’ and ‘Environment’. In each of these fields, only the most recently closed consultation whose outcome is already published are examined. Only in the case of environmental CSOs have the individual contributions not yet been published. In accordance with that, the following four consultations are analysed (*Table 2*).

<sup>54</sup> A. Broscheid & D. Coen, ‘Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good’, *Journal of European Public Policy*, 2007, vol. 14, no. 3, p. 358.

<sup>55</sup> *Ibid.*

<sup>56</sup> ‘Consultations’, *European Commission*, retrieved 04 April 2018, [https://ec.europa.eu/info/consultations\\_en](https://ec.europa.eu/info/consultations_en)

Table 2 Overview of cases (consultations)

Field	Public consultation on the...	Open from	Open till	DG in charge	Participants (organisations)
All	introduction of a transparency register	01/03/2016	01/06/2016	SG	783
Business	interim evaluation of the programme for the competitiveness of enterprises and SMEs	10/05/2017	31/08/2017	GROW	195
Trade Union	European Pillar of Social Rights	08/03/2016	31/12/2016	EMPL	349
Consumer	targeted revision of EU consumer law directives	30/06/2017	08/10/2017	JUST	320
Environment	evaluation of the Batteries Directive	06/09/2017	28/11/2017	ENVI	114

It is necessary to assess in the online register of consultations, the relevant information on which organisations took part in the online consultations. is made available in most of the cases. Each consultation was then examined by going over the list of members of the European CSOs to find out whether the domestic CSOs took part or not. In the case of the batteries directive, obtaining the data was more difficult. When carrying out the process of collection, only the factual summary of the contributions was already published.<sup>57</sup> Since it is displayed that seven NGOs took part in the consultations, and knowing that the European CSO confirmed its

<sup>57</sup> Factual Summary Report on the Public Consultation for the Evaluation of the Batteries Directive', *European Commission*, retrieved 19 April 2018, [https://ec.europa.eu/info/sites/info/files/factual\\_summary\\_consultation\\_batteries.pdf](https://ec.europa.eu/info/sites/info/files/factual_summary_consultation_batteries.pdf).

participation on the basis of an individual request, the number of domestic members must be between zero and six. Besides, anonymised contributions could be considered as an obstacle to this research since organisations can also take part in a consultation without having their name displayed. Considering that CSOs have a high interest in making their position public,<sup>58</sup> one can consequently evaluate this problem as a minor issue.

To test H2 and H3, in-depth interviews were carried out with relevant actors in order to gain insights on the respective matters. The selection of interviewees was tightly connected with the cases of this study, with interlocutors from the CSOs side that worked on the contribution for the online consultations. In sum, four interviews with CSO representatives were conducted. Besides, the counterparts in the EC were interviewed as well. Here, questions were addressed to those five actors that were in charge of evaluating the online consultations. Two interviews were conducted with EC officials who did not give permission to display their DG, and one declined to allow direct references to the given information. Another interview was conducted with an interlocutor from the Secretariat General (SG), since this body provides general guidelines for implementation of online consultations.

## **4. Results**

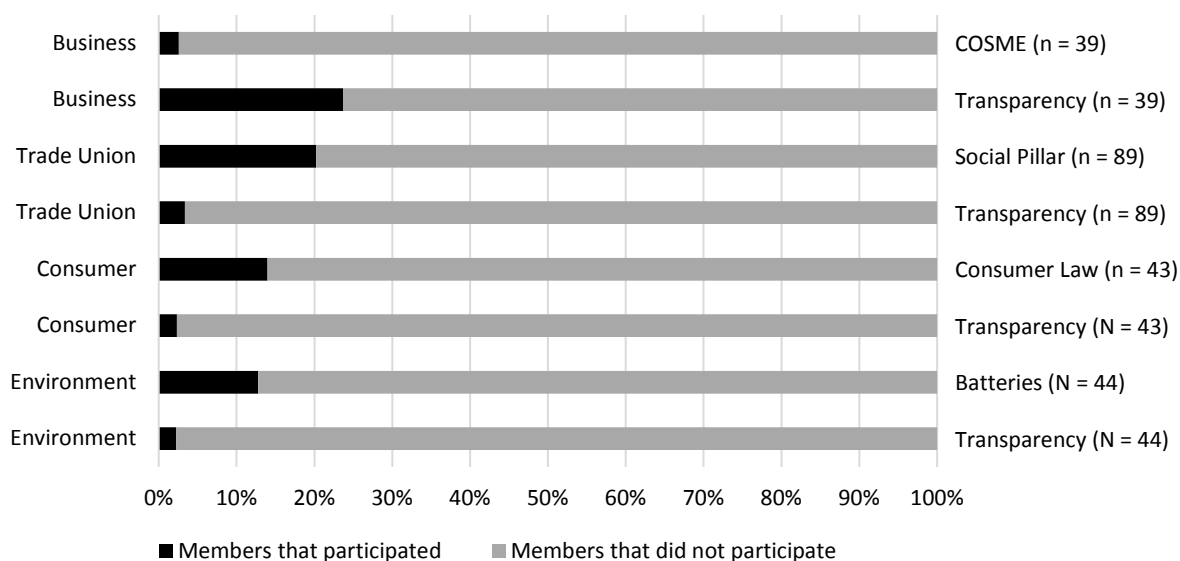
### **Participation in online consultations**

As a starting point of the analysis, the participation of European CSOs is assessed. It was found that all European organisations under investigation took part in all of the consultations under research. Thus, the tool of online consultations is actually widely used amongst the European CSOs in question. *Table 4*, however, displays the outcome of the data collection on the matter of domestic participation. The numbers indicate a considerably low participation of domestic CSOs. Still, a deeper analysis must be carried out to grasp the details of the data.

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<sup>58</sup> Trenz, *loc. cit.*

*Table 3 Participation of domestic member organisation in online consultations (in %)*



In none of the displayed cases did more than 25% of the domestic organisations take part in the consultations. However, in two cases the level of participation exceeded 20%: the domestic business CSOs on the transparency register, and the trade unions on the social rights pillar. In the case of the business CSOs, the participants comprised nine domestic members from nine different countries. Having in mind that this CSO is constituted by 35 member countries, 25% of them are covered by this online consultation. Besides, 18 out of 89 domestic trade union organisations were activated. Here, the organisations that took part are from 15 different countries (all EU member states). Thus, one could argue that actually 54% of domestic interest of the EU are represented here. Similar to the number of business organisations, this indicator still does not reject the rather low activation of members in general (20%). However, it is an interesting and valid indicator to measure to what extent the EC manages to reach out to domestic CSOs in EU member states.

Besides these two cases, the other six examples display a participation of domestic members below 15%. Interestingly, the participation of most domestic CSOs is higher in the specific consultation than in the consultation on the transparency register. Indeed, this finding makes it possible to assume that specialised domestic CSOs appear to consider lobby

regulations in Brussels less important than actual topic-related issues. It is striking, however, that this specific finding does not count for the business CSOs: the number of domestic participants in the COSME mid-term evaluation is considerably low. Drawing on further scholarly research, one finds that due to their financial resources, domestic business CSOs are considered to be much more Europeanised than other interest groups.<sup>59</sup> Consequently, business CSOs are likely to consider the European transparency register much more as a central issue than other domestic groups.

To sum up, the analysis of the participation of European and domestic CSOs has shown that, on the one hand, all European organisations took part in all investigated online consultations. On the other hand, the participation of domestic CSOs must be considered as relatively low. Thus, the analysis of the participation has shown that the *activation hypothesis* must be rejected for most of the investigated cases. To explain such findings, the following chapters test the *top-down-* as well as the *bottom-up hypothesis*. Both hypotheses imply a general activation of member CSOs. Hence, it must be analysed whether a lack of central organisation (H2) and the impossibility to access the EC independently from the European umbrella organisation (H3) account for the non-activation. However, special attention must be drawn to those European CSOs and consultations where members were found to be more active than others.

### **Member organisations in European CSOs**

The second step of the analysis is to test the *top-down hypothesis*. As just mentioned, the scope of this investigation must be widened: one must also test whether a lack of central guidance for taking part in the consultations can be considered as a reason for the general low activation. In turn, it must be questioned whether a high level of central organisation can be

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<sup>59</sup> A. Dür & G. Mateo, 'Who Lobbies the European Union? National Interest Groups in a Multilevel Polity', *Journal of European Public Policy*, vol. 19, no. 7, 2012, pp. 1-31.



found in the other cases. This analysis is divided into three parts: firstly, the general internal processes of European CSOs when taking part in European online consultations are analysed. Building on that, the direct activation strategies of member organisations by European CSOs are examined secondly. Finally, the findings are brought together in order to assess the confirmation or rejection of the *top-down hypothesis*.

### *Internal processes when formulating the contribution of the European CSO*

Before analysing the internal structure of the examined organisations, it is necessary to highlight their heterogeneity. Besides a certain degree of similarities and common features that are proven by the interviews in finding similar patterns throughout all organisations, different approaches amongst the CSOs must be acknowledged. Thus, the following analysis focuses on those aspects who were mainly shared by all organisations, while also highlighting some particularities of individual organisations. One finds that “the processes for different consultations usually follow the same route”<sup>60</sup> and that “there is a standardised process ... of how to approach online consultations by the Commission”.<sup>61</sup> Thus, regarding online consultations, European CSOs appear to be highly professionalised. Such statements also display the high relevance that CSOs put on this tool.

While it is shared by all interviewed CSOs to have fixed processes in place when taking part in online consultations, such structures turn out to be more heterogeneous. In the European business CSO, an institutionalised system of working groups is in charge of formulating the contributions. In these working groups, domestic representatives are present that directly work on the file. However, “BusinessEurope still holds the pen, based on input received from members”.<sup>62</sup> Other CSOs appear to have a looser connection with their member organisations. Still, they base their contributions on their organisations: the members interests are defined ex-

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<sup>60</sup> Phone interview with Manager, Transport & Environment, 28 February 2018.

<sup>61</sup> Phone interview with Director for Legal Affairs, BusinessEurope, 27 February 2018.

<sup>62</sup> Phone interview, BusinessEurope.

ante in annual general meetings, board meetings or strategy meetings.<sup>63</sup> Still, the direct level of involvement when answering on online consultations is lower.

*we are not working in the same way as most industry associations as regards detailed member consultation procedures in that we have more autonomy when it comes to drafting consultation responses.*<sup>64</sup>

In other cases, a draft is written by the European organisation and then given to the members for feedback.<sup>65</sup> The representative of the European trade union CSO shares that in most of the cases, a topic “already went through the internal process of position finding within ETUC”.<sup>66</sup> Thus, when filling in the online consultation, the members are not directly involved. These structures are crucial discuss since in these three cases, the participation in the CSO specific consultations was found to be higher than the one by domestic business CSOs.

It is therefore possible to state that a looser involvement of member organisations when formulating the contribution leads to more domestic activation: members do not consider their interest covered as sufficiently and take part in the online consultation themselves. In turn, having the domestic members on the table when working on the online consultation could already cover the members opinion sufficiently, so that they then do not take part themselves. Such discovery must be relativized, however, since the domestic business organisations were rather active in the consultation on the transparency register. Still, this could be explained with the higher degree of Europeanisation of domestic business interests.<sup>67</sup>

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<sup>63</sup> Phone interview, Transport & Environment.

<sup>64</sup> Phone interview, Transport & Environment.

<sup>65</sup> Phone interview with Senior Officer, BEUC, 09 February 2018.

<sup>66</sup> Interview with Legal Advisor, ETUC, Brussels, 26 March 2018.

<sup>67</sup> Dür & Mateo, *Who Lobbies the European Union?*, loc. cit.

### *Activation of member organisations*

All interviewees articulate their pro-active measures to mobilise domestic CSOs. “We encourage our members to also participate in the online consultations”.<sup>68</sup> Similar statements are recorded from all European umbrella organisations. This finding is interesting since ultimately, activation of domestic CSOs can only be found to a very limited degree. Some representatives share their awareness of this issue in stating that “generally, the response rate can be quite low”.<sup>69</sup> Moreover, in some cases, it is said that the European contributions are actually distributed to members – but rather to provide information about the European position than as a blueprint to be copied and submitted.<sup>70</sup> Thus, one finds a general encouragement by European CSOs towards their domestic members to take action at the European level.

Consequently, it is now important to find reasons why, despite such encouragement, domestic organisations mainly did not take part in the European online consultations. Three central explanations must be put forward here: firstly, “it depends on the technical knowledge”.<sup>71</sup> Not having sufficient expertise can be considered to be a main issue amongst a number of CSO representatives. Secondly, it is stated that despite the encouragement by European actors, the awareness is not given for granted: “If you are a local organization, for example, in Slovakia, you do not always know about it”.<sup>72</sup> Finally, “it [also] depends on the issue. The higher a topic is on the political agenda; the more participation can be expected from our members”.<sup>73</sup> Almost all interviewees gave similar answers. Thus, (1) technical expertise, (2) awareness and the (3) political agenda of domestic organisations can be identified as factors that lead – or rather do not lead – to activation of domestic organisations.

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<sup>68</sup> Phone interview, BEUC.

<sup>69</sup> Phone interview, Transport & Environment.

<sup>70</sup> Phone interview, Transport & Environment.

<sup>71</sup> Phone interview, BusinessEurope.

<sup>72</sup> Phone interview, Transport & Environment.

<sup>73</sup> Phone interview, Transport & Environment.

In turn, it is necessary to investigate further the case of the most successful domestic activation. Even though 20% of members taking part is not particularly high, *per se*, it is the highest score for CSO specific consultations that was measured. On top of that, more than 50% of EU member states are covered by these organisations. Indeed, the representative of the European trade union organisation states that there were exhaustive actions taken in order to mobilise members:

*the Social rights pillar was a special case. It was 'the' thing for us in the last years. Here, 15.500 out of 16.000 contribution actually came from us. We created a website where you can just click in order to have the contribution submitted. Thus, it was very easy to send a contribution.*<sup>74</sup>

Interestingly, in this case, the European CSO aimed to activate individuals rather than domestic organisation. One can still assume that throughout this extensive activation process, the institutional bodies of domestic members were equally mobilised. Especially since, “in most of the cases, once, we finalized our contribution, we send it to our members to mobilize them”.<sup>75</sup> Indeed, an Italian member organisation applied a similar strategy in launching its own campaign.<sup>76</sup> This example shows that activation (member organisations or individuals) is indeed possible when developing an extensive strategy. Still, finding ‘only’ 20% of the members activated puts the effectivity of this strategy into question. Further, the number of 15.500<sup>77</sup> individuals might appear to be considerably high. However, evaluating this number, one must understand that the European CSO in question actually represents 45.000.000 individuals.<sup>78</sup>

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<sup>74</sup> Interview, ETUC.

<sup>75</sup> Interview, ETUC.

<sup>76</sup> European Commission, *Report of the public consultation: Establishing a European Pillar of Social Rights*, SWD (2017), 206 final, 26 April 2017, p.5.

<sup>77</sup> *Ibid.*, p. 5.

<sup>78</sup> ‘Homepage’, ETUC, retrieved 19 April 2018, <https://www.etuc.org/>

Still, this consultation constitutes a special case. It is interesting to see that the interviewed representative states that “the online consultation was just one of the tools used”.<sup>79</sup> Thus, one must assume that such approach was implemented while the EC already knew about the CSO position. This finding is can be explained with access and voice strategies. While the access to the EC is possible not to have been the main driver to organise this campaign, articulating the trade union’s position appears to be the main goal. Moreover, it is central to remember the three reasons for non-activation that were found before. Indeed, such problems were successfully tackled by the European trade union CSO: The technical expertise was provided to the members in sharing their contribution. The awareness was risen due to a campaign which was considerably extensive. Finally, the issue of the social rights pillar must be considered as highly salient and relevant to all trade unions. Thus, all three problems and counter-strategies are possible to explain the higher participation of domestic members in this case.

### *Summary*

After the *activation hypothesis* was mainly rejected, the analysis of the interviews with CSO representatives paints an ambiguous picture regarding the *top-down hypothesis*. On the one hand, the investigated data clearly indicates that there is a general central encouragement to take part in online consultation which is directed from the European level down the domestic level. On the other hand, such mobilisation strategies appear not work since the participation of member organisations was low. However, as the case of the European trade union CSO has shown, an extensive central strategy can indeed lead to a relatively high participation of domestic members. It is possible to assume that the encouragement of the other umbrella CSOs is too timid. Therefore, the *top-down hypothesis* must be confirmed to a great extent, since a large-scale mobilisation indeed activates a considerable number of member organisations.

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<sup>79</sup> Interview, ETUC.

## Consultation Analysis by the Commission

Having found the degree of domestic activation rather low despite encouraging European CSOs, it is now key to consider the EC's assessment of online consultations (testing H3). In doing so, one can derive findings about the possibility given to member organisations to articulate their opinion independently from their European umbrella CSO. Here, the factor of expectations that are risen due to this tool is crucial: once a CSO participated in an online consultation, this organisation might expect its position to be covered in legislation. Having in mind that the *bottom-up hypothesis* assumed a high activation of domestic actors, the subject of interest is again slightly adopted. It must be analysed whether the impossibility of accessing the EC via the online consultations independently from the European umbrella organisation leads to the rather low activation in most of the cases.

To do so, the EC communication strategy when launching online consultations, is examined firstly. Then, the general assessment of how EC officials address the outcome of the online consultations is investigated. Following, the possible differences in approaching European- and domestic contributions are measured. Finally, these findings are brought together in order to verify or falsify H3. It is central to emphasise again that the statements of the EC representatives are individual opinions, based on the experiences made in the respective units. They do not account for the EC as a whole institution.

### *Communication by the European Commission*

The first point of interest is the communication strategy by the EC (particularly towards domestic organisations) to advertise participation. It was found before, that a lack awareness is one of the central reasons for the rather low activation of domestic organisations. Regarding this matter, EC officials state indeed that to counter these processes,

*we try to make the questionnaires clear and easy to understand for targeted stakeholder groups. At the same time, questions and answers need to be correct*

*and accurate to reflect the issues we are examining, and this may lead to somewhat technical language sometimes.*<sup>80</sup>

However, another example shows that an extensive effort is required to reach out to lower levels of administration than the European one. Besides the public consultation on the COSME program, DG GROW also launched a targeted consultation that was directed to SMEs directly. It is interesting that the unit in charge provided the questionnaire in all official EU languages. In turn, the participation of domestic actors was successfully triggered. However, when it comes to the analysis of open questions, a high level of resources is needed to make use of the contributions in diverse languages.<sup>81</sup> This finding indicates that communication is indeed key when it comes to the activation of domestic organisations. On top of that, the consultation on the transparency register came with an “ambitious communication strategy to reach outside Brussels”.<sup>82</sup> The rather high number of participants of this consultation makes it possible to assume that this strategy worked out. Still, the low number of domestic member organisations relativizes this finding. To sum up, one finds that the communication of the EC indeed impacts the activation of domestic organisation. Language was found to be key when aiming to reach out to lower levels of administration.

#### *General assessment*

To ensure a homogenous evaluation of online consultations, the SG provides general guidelines for the officials in charge. Thus, one could expect these processes to evolve equally in all DGs. However,

*we also see that the consultations are implemented differently by the different DGs. They don't publish results, poorly design questions, and do synopsis reports of different qualities. We try to educate the DGs on applying the guidelines to get it out on every corner of the Commission and offer help to ensure unified implementation to the extent possible. But the final responsibility lies with DGs.*<sup>83</sup>

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<sup>80</sup> Interview with Official, European Commission, Brussels, 07 March 2018.

<sup>81</sup> Interview with Policy Officer, DG GROW, European Commission, Brussels, 15 March 2018.

<sup>82</sup> Phone Interview with Policy Officer, Secretariat General, European Commission, 23 February 2018.

<sup>83</sup> Interview with Policy Officer, Secretariat General, European Commission, Brussels, 28 February 2018.

This statement indeed confirms the perception of very diverse approaches towards online consultations within different units that was gained during the data-collection phase of this research. Thus, one has to be aware of the heterogeneity amongst different DGs. Still, this investigation focuses on the common points between different actors. At the same time, important differences that could explain CSO behaviour must occasionally be highlighted.

Generally, once a consultation is closed, the data is provided to the EC officials by the tool ‘EU survey’.<sup>84</sup> This system “allows to do different analyses in a semi-automatic way for the closed questions”.<sup>85</sup> Of course, closed questions are easier to analyse than open questions: to provide a comprehensive examination, “you have to read the open questions individually”.<sup>86</sup> At the same time, the EC lacks capacities to provide an in-depth analysis of all open answers. Therefore, the SG developed ‘DORIS’, “a tool to analyse the quality of written comments digitally”.<sup>87</sup> This tool is already used by some DGs, but it is “still not 100% developed”.<sup>88</sup>

Here, the role of external consultants is also crucial to be considered. Some of the investigated cases were partially examined outside the EC. It is found that even if “all consultation work, including any activity outsourced to contractors, should follow the Commission’s better regulation Guidelines”,<sup>89</sup> one finds that “in practice, if external firms do the consultation, they may not know of all guidelines that shall be applied”.<sup>90</sup> The implications of this strategy become evident when analysing the interviews of the DG officials. On the one hand, they widely confirm that “even if we outsource, we remain responsible for the results”.<sup>91</sup> Further, it is highlighted that “we have to agree, where the focus will be put on the report”<sup>92</sup> or

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<sup>84</sup> Phone Interview, Secretariat General, European Commission.

<sup>85</sup> Interview, DG GROW, European Commission.

<sup>86</sup> Interview, DG GROW, European Commission.

<sup>87</sup> Interview, Secretariat General, European Commission.

<sup>88</sup> Interview, DG GROW, European Commission.

<sup>89</sup> Interview, Secretariat General, European Commission.

<sup>90</sup> Interview, Secretariat General, European Commission.

<sup>91</sup> Interview, Official, European Commission.

<sup>92</sup> Interview with Senior Expert, DG ENVI, European Commission, Brussels, 06 March 2018.



that “you still have to give the direction and tell them what you want”.<sup>93</sup> On the other hand, however, several officials also confirm that “there may be some differences between outsourcing and not outsourcing when it comes to the analysis”.<sup>94</sup> Others state that “I do not read directly the contributions”,<sup>95</sup> since this work is done by consultants. This aspect is key when investigating the approaches towards European and domestic CSOs by the EC. In outsourcing the analysis, a homogenous application of the SG guidelines appears to be less probable. On top of that, outsourcing might imply the loss of possibility to access the EC directly.

To recap, there are a number of challenges that must be addressed when it comes to the activation of domestic CSOs by the online consultations. The EC tries to implement a homogenous analysis of all contributions, which turns out to be highly difficult. Further, open questions appear to be very complex to analyse systematically. On top of that, outsourcing the actual analysis of the contributions is possible to prevent EC officials to gain a comprehensive insight of all contributions.

#### *European and domestic contributions*

Almost all interviewees state explicitly that no difference is made between contributions from domestic organisations and European CSOs when analysing closed questions: “Of course, we do not distinguish when summarizing the closed question-results”.<sup>96</sup> Open questions, however, are more difficult to deal with: “when analysing the written comments of organisations or position papers we do treat contributions differently – especially if there are many thousand replies”.<sup>97</sup> Like the representative from the SG, further interviewees reveal the difficulties of treating all organisations equally. Consequently, one has “to find a good method

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<sup>93</sup> Phone Interview, Secretariat General, European Commission.

<sup>94</sup> Interview, Official, European Commission.

<sup>95</sup> Interview, DG ENVI, European Commission.

<sup>96</sup> Interview, Secretariat General, European Commission.

<sup>97</sup> Interview, Secretariat General, European Commission.

to analyse and to obtain the useful information”.<sup>98</sup> Such strategy could be to focus only on a smaller number of organisations that provide relevant information. These organisations are possible to be European CSOs rather than domestic ones, since “contributions of identified representative organisations were read in detail as they were considered to carry more weight”.<sup>99</sup>

Indeed, a great number of interviewees state that this strategy is applied. The report on the consultation on the transparency register consultation confirms that the majority of such organisations are European organisations.<sup>100</sup> One interviewee states that “European level contributions shall be taken into account more”.<sup>101</sup> The given reason for this choice is that an “organisation that represents more stakeholders has more weight”.<sup>102</sup> Indeed, further officials confirm that “EU-level associations speak for their national members”.<sup>103</sup> On top of that, it is striking that in the summary report of the consultation on the social rights pillar, almost all highlighted stakeholder-quotes originate from European organisations and not from domestic ones.<sup>104</sup> Thus, in a great number of cases, one finds indeed a privileged treatment of European CSOs compared to domestic organisations. However, this finding must also be relativized due to the heterogeneity of consultations. Another interviewee states that the “distinction between national organisations and European organisations ... depends on the topics of the consultation”.<sup>105</sup> In the context of the COSME mid-term evaluation, the EC official in charge points out that

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<sup>98</sup> Phone Interview, Secretariat General, European Commission.

<sup>99</sup> Interview, Secretariat General, European Commission.

<sup>100</sup> RPA, *Analysis of responses to the Open Public Consultation on the proposal for a mandatory Transparency Register*, Final Report, *report for Secretariat-General*, European Commission, 2016, Loddon, Norfolk, p. i.

<sup>101</sup> Interview, DG ENVI, European Commission.

<sup>102</sup> Phone Interview, Secretariat General, European Commission.

<sup>103</sup> Interview, Official, European Commission.

<sup>104</sup> ‘Factual Summary Report on the Public Consultation for the Evaluation of the Batteries Directive’, *European Commission, loc. cit.*

<sup>105</sup> Interview, Official, European Commission.

*we look, of course, at the contributions of the European organisations. In my experience, what they say is usually confirmed by the individual replies. Still, we also look at the individual and national contributions.*<sup>106</sup>

Thus, after having found the EC analysing European contributions more intensively, some statements by EC officials emphasise on the fact that written domestic contributions are still taken into account and read. However, such relativization does not take any credit from the previous findings. It is just important to consider the whole range of collected information in order to avoid a biased approach to this research.

Having found difficulties of domestic contributions to gain special attention by EC officials, another way of coming to the fore of the consultation analysis must be discussed on this point: campaigns. The EC addresses the topic of campaigning even in the guidelines for better regulation:<sup>107</sup> “As a rule of thumb, we say that if we have 10 similar consultations, we call it a campaign”.<sup>108</sup> It appears that campaigning could be an effective way to promote a particular interest towards the EC. Further, they are not regarded as problems. Stakeholders have the right to organise themselves in different ways and campaigns can also be quite useful being an indication of a widespread, significant issue”.<sup>109</sup> Others express that “accounting for campaigns is part of the methodology”.<sup>110</sup> Once identified, the contributions of campaigns are taken out of the pool of other submissions in order not to have a biased data analysis.

Amongst the examined cases, one can only find one European organisation that indeed implemented a campaign as tool to gain special attention: the European trade union CSO. All other interviewed representatives state that they do not send templates to their members in order to let them fill in the consultation questionnaire with pre-given answers. The official from the

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<sup>106</sup> Interview, DG GROW, European Commission.

<sup>107</sup> European Commission, *Better Regulation Guidelines*, op. cit., p. 78.

<sup>108</sup> Interview, Secretariat General, European Commission.

<sup>109</sup> Interview, Official, European Commission.

<sup>110</sup> Phone Interview, Secretariat General, European Commission.

SG shares the view not to implement such straight forward strategy: “I would say that a completely filled out questionnaire is somehow unethical”.<sup>111</sup> However, the trade union CSO decided to launch and implement such campaign. Even if the answers to the closed questions were then taken out of the pool of contributions, a special attention was drawn on the interests of this CSO – also in the related report.<sup>112</sup> Thus, campaigns appear to be a fruitful tool in order to gain more attention by the EC and to overcome the bias between domestic and European contributions. Interestingly, as it was discussed, not only ETUC, but also one domestic trade union CSO made use of such tool.

### *Summary*

While the analysis of closed questions revealed an equal assessment, this cannot be stated for the examination of open questions. Due to the difficulty to assess all contributions of open questions, it turned out that a significant number of EC officials state that European contributions are investigated more intensively than domestic ones. Even if that does not count for all cases, this finding goes in line with the low participation of domestic actors: if their contribution does not count as much as the contribution of their umbrella organisation, the choice of not taking part in the online consultation appears to be rational. One can assume that the direct domestic interests are then neither covered by the final text of the EC. Consequently, the *bottom-up hypothesis* must be rejected. Here, the possibility of campaigning must be brought up again. Of course, domestic organisations already now have the possibility of campaigning and hence, to attract special attention by the EC. However, it was also shown that this tool requires extensive resources.

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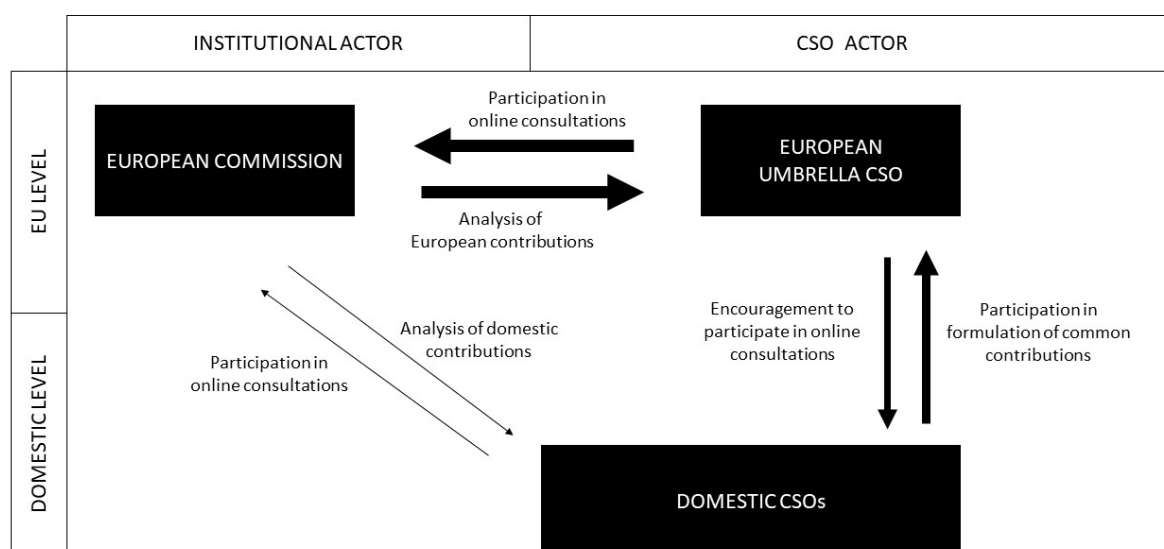
<sup>111</sup> Interview, Secretariat General, European Commission.

<sup>112</sup> European Commission, *Report of the public consultation: Establishing a European Pillar of Social Rights*, op. cit., p. 5.

## Discussion

It is now necessary to discuss the wider implications of such findings in painting a broader picture. Still, it is crucial to mention that the findings of this study can of course not be generalised for the whole EU. However, the rational case selection makes it possible to assume similar patterns. Referring to the different dimensions within multi-level governance, it was found that horizontal action (between EC and European CSOs) must be considered as highly frequent. Further, it was shown that top-down processes<sup>113</sup> of Europeanisation are indeed in place. All interviewed representatives from CSOs (vertical) as well as all officials from the EC (diagonal) emphasised on the general encouragement towards domestic organisations to take part in online consultations. In some CSOs, this phenomenon appeared to be stronger than in others. The same counts for vertical bottom-up processes: some CSOs were found to involve their members to higher degrees than others when formulating the common contribution. However, the central encouragement (vertical top-down) is not mirrored by the activation of domestic organisations (diagonal bottom-up).<sup>114</sup>

*Figure 2 Impact of online consultations on top-down and bottom-up processes in multi-level governance (thickness of arrows according to intensity of process)*



The four most central reasons for this matter were found to be the following: lack of awareness on the domestic level; policy-agendas of domestic CSO that might not match the consultation; lack of technical expertise of domestic actors; as well as the limited degree of access to the EC that provided by online consultations. Regarding accessing the EC, it is questionable to what degree the online consultations indeed provide an added-value. The findings make it possible to assume that European CSOs find another ways anyways to impact policy decisions by the EC. Given the low level of representativeness of domestic CSOs, their possibilities to access the EC directly via online consultations are considerably lower. However, it was also found that in some cases, EC officials emphasised on the fact to also investigate the domestic opinions. Here, the potential of the tool to analyse a wide range of written contributions digitally must be highlighted as promising evolution. It can help to include all answers to open questions in the analysis. That would make it possible not to rely on a limited number of representative organisations. This could eventually lead to a higher degree of participation of domestic actors. Given that online consultations were expected to provide both, access and voice,<sup>113</sup> it is also important to elaborate on voice strategies by CSOs. Here, campaigning appeared to be a central factor. It was found that successful campaigns provide the possibility to speak with a stronger voice towards the EC. At the same time, setting up a campaign makes it easier for domestic actors to get activated at the European level. Moreover, a campaign by a domestic actor could lead to special attention, drawn on their interest – independently from their European umbrella organisation. Interestingly, only trade union CSOs implemented campaigns. It is possible to assume that campaigns are easier to implement for trade unions, since they can refer to individual members in the constituencies of domestic CSOs. Besides, it was also found that translating the consultations, appears to be a successful tool to

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<sup>113</sup> Vink & Graziano, *loc. cit.*

<sup>114</sup> *Ibid.*

<sup>115</sup> Beyers, *loc. cit.*

achieve higher participation rates by domestic actors. On this point, it must be stated that the implementation of campaigns, as well as the translation of consultations require extensive financial and human resources.

To ultimately answer the research question, it is necessary to assess the extent of impact by online consultations on the coordination processes of multi-level CSOs. Firstly, one can clearly state that online consultations contribute to institutionalisation of inner-organisational processes in multi-level CSOs. Secondly, in most of the cases, online consultations do not lead to structural campaigns of European umbrella organisations that make use of the wide spread network of member organisations. Thirdly, online consultations by the EC appear not to lead to a significant independent activation of domestic organisations to make their voice heard at the European level. Thus, online consultations indeed impact the inner-organisational coordination of multi-level CSOs. Nonetheless, it is questionable if this implies empowerment of domestic actors.

Referring to the initial goals of good governance, one has to question whether the consultations help to include citizens more and to tackle the democratic deficit of the EU.<sup>116</sup> The fact that a lack of expertise by domestic member organisations prevent them from getting active at the European level is crucial. If already such specialised CSOs do not have sufficient knowledge to scope with European issues, how can citizens then be expected to get engaged with European policy making? The same counts for the lack of awareness by domestic organisations. Here, European CSOs can play a crucial role in providing the required information and to trigger civil engagement. Even if academia has proven that the connection of umbrella CSOs with their grass-roots is generally low,<sup>117</sup> this study has shown that such strategy can actually be successful.

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<sup>116</sup> European Commission, *European Governance: A White Paper*, *op. cit.* pp. 1-35.

<sup>117</sup> Kohler-Koch, *Civil society and EU democracy: 'astroturf' representation?*, *op. cit.*, p. 112.

These findings must, however, be set in light of the scope of this paper. Different indicators reflect the small-n nature of this study: firstly, the number of umbrella CSOs is restricted to four and sub-national entities are not included in the analysis. Still, the four investigated organisations were chosen based on academic finding. Moreover, taking into account the sub-national level would be an interesting research, however not possible within the scope of this study. Likewise, secondly, the number of investigated consultation (five) does not provide the full picture of activities by the EC and non-state actors. Equal to the chosen CSOs, the choice was based on clear indicators and therefore represent relevant cases. Finally, the qualitative approach of this study does, of course, not allow for numerical outcomes or predictions. Still, the researched data which was found to be best for answering the research question, does not allow the application of quantitative methods.

Besides, it was also shown that every single contribution is indeed taken into account – at least when it comes to closed questions. In turn, this implies however, that the impact of one opinion is only mirrored by the outcome of the statistical analysis. On top of that, regarding the analysis of open questions, it was shown that the EC often relies on representative organisations, which are mainly European CSOs. Thus, one finds a certain potential to get “closer to the citizens”<sup>118</sup> by implementing online consultations. Nonetheless, as it was proven, there are a number of substantial challenges to cope with before one can finally state that the EC reached its goal in these matters.

## **5. Conclusion**

Building on the assumption that online consultations by the EC constitute a unique tool to include stakeholders in the policy-making process, this research investigated the question to what extent online consultations impact the coordination amongst multi-level CSOs. Based on

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<sup>118</sup> European Commission, *Evaluation of the 2013 European year of Citizens*, loc. cit.



an extensive discussion of studies, concepts, and theories, three leading hypotheses were developed. The investigation of the participation has then shown that domestic member organisations hardly participate in online consultations by the EC. Only two exceptional cases were identified. The analysis of interviews with representatives from European CSOs has shown that generally, all CSOs invite their domestic members to take part in the online consultations. However, the general degree of assistance was found to be considerably low. Only in the case of the European trade union CSO, a campaign was detected. This element is possible to explain the rather high participation rate of domestic CSOs in this case. Apart from that, the involvement of domestic organisation when formulating the European contribution was found to be a possible explanation for the relatively low participation in one case. What is more, the very limited general domestic participation was explained by a lack of awareness, the non-fitting policy agendas, and a lack of expertise. Interviews with officials by the EC were analysed to test the third hypothesis. Here, it was important to find out whether European contributions have a different status than domestic ones when evaluating online consultations. Indeed, it was confirmed that in a number of cases, the opinion of European CSOs were investigated more intensively than the domestic ones. This finding provided a possible explanation why the general domestic activation was considerably low.

These findings provide a worthy insight for the academic sphere of multi-level governance: the general low activation of domestic members could indicate that online consultations do not reach out all over the EU. However, it was also shown that with the use extensive resources, domestic CSOs can eventually be activated to a higher degree. Thus, regarding the scholarly debate on CSOs in the EU, this research appears to support studies that find isolated European CSOs and barely europeanised domestic actors.<sup>119</sup> Nonetheless, it was also shown that in some cases, domestic voices are extensively covered through inner-

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<sup>119</sup> Eising, *et al.*, *loc. cit.*

organisational processes. Therefore, one must be cautious with neglecting strong ties between the two level: it must be acknowledged that an active involvement in the position shaping of the umbrella CSO must be considered as bottom-up participation.

Thus, this study provides interesting findings on the one hand, as well as a number of starting points for further research on the other hand. It was shown that the sub-national level and the activation of individual actors must be investigated more intensively. On top of that, the roles of campaigns and how big their impact also provide an interesting initial question for additional investigation. Moreover, the question of how more expertise on European issues could be provided to domestic CSOs constitutes an interesting angle in this field. Finally, the differences between highly concentrated structures of umbrella CSOs and less centralised setups could be explored further. Besides, it would be interesting to test the findings of this study with another sample of cases. Still, the investigated effect of online consultations on the coordination within CSOs constitutes a relevant contribution to the fields of multi-level governance and Europeanisation.

Whether the effort of online consultations is worth the outcome must be evaluated by political actors, however, and lies beyond the scope of this study. Similarly, it must be questioned to what extend this setup indeed contributes to connect the EU better with its citizens. In order to eventually get there, the identified problems must be turned into promising opportunities.

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